

REMARKS/ARGUMENTS

Claims 1-4, 6-12, 14-22, 33-40, 43, 62-65, 67-69, 74-80, 85, 86, and 94 were presented for examination and are pending in this application. In an Official Office Action dated January 25, 2008, claims 1-4, 6-12, 14-22, 33-40, 43, 62-65, 67-69, 74-80, 85, 86, and 94 were rejected. Applicant herein cancels claims 70-73 and 91 without prejudice. The Applicant thanks the Examiner for his consideration and addresses the Examiner's comments concerning the claims pending in this application below.

35 U.S.C. §103(a) Obviousness Rejection of Claims

Claims 1-4, 6-12, 14-22, 33-40, 43, 62-65, 67-69, 74-75, 78-80, 85-86, and 94 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,477,585 by Cohen ("Cohen") in view of U.S. Patent No. 6,829,770 by Hinson ("Hinson"). Claims 76-77 were rejected under 35 U.S.C. §103(a) as being unpatentable over Cohen in view of Hinson and in view of U.S. Patent No. 6,314,533 by Novik. Applicant respectfully traverses these rejections in light of the following remarks and respectfully requests reconsideration.

The cited references fail to teach or suggest all of the limitations recited in the claims as currently amended. For example, independent claim 1 recites, among other things, "an application on said subscriber node to receive said matching event, wherein said application defines said filter fields within said filter and opens said event channel at said subscriber node."

The Office Action again cites Cohen at lines 48-49 of column 5 for providing this teaching. Cohen, at this citation, states "Communications through the event channel are "asynchronous" in that they may be provided to the event consumers at any time." Cohen does NOT teach that an application at the subscriber node that defines the filter and its fields also acts to open an event channel provided between

the publisher and the subscriber nodes. If the event consumers of Cohen are taken to be the subscriber nodes, there is no discussion in Cohen that an application on these nodes acts to open an event channel. From col. 5, lines 14-37, it appears that communications between the EMS/event suppliers and the event consumers is controlled by the EMS. For this additional reason, Cohen fails to teach or suggest each and every limitation of claim 1, and as noted by the Examiner, Hinson is only cited for teaching the location of a filter.

Claims 2-4 and 6-11 depend from claim 1 and are believed allowable as depending from an allowable base claim. Claim 94 also depends from claim 1 and is believed allowable as Cohen fails to teach opening an event channel over a communication link to each such node, and using the filter at each node to identify matching events for receipt by the application.

Regarding independent claim 12, the Office Action relies on Cohen and Hinson to reject the claim in a manner similar to that of claim 1. Therefore, the arguments for allowing claim 1 over Cohen and Hinson are equally applicable to claim 12. Additionally, Cohen fails to teach a queue on the same node that assigns the filter and receives and uses matching events. In contrast, the queue 47 of Cohen is shown to be part of the EMS 22 and is placed on a single host within a network as shown in Figures 2 and 3 (e.g., not on the consumer nodes 26 as is required by claim 12). This argument for allowing claim 12 has not been addressed in the previous of pending Office Actions (i.e., the argument that Cohen's event log is not on the node of the application). For this additional reason, the rejection of claim 12 based on Cohen is not proper and should be withdrawn. Furthermore, Hinson does not overcome these additional deficiencies of Cohen with respect to claim 12. Specifically, Hinson does not teach that the matching events are placed on a queue on the node of the destination consumer by its filter elements (which appear on other servers), and the Examiner did not cite Hinson for overcoming this

problem with Cohen. As a result, the combination of Cohen and Hinson does not support a rejection of claim 12, and claim 12 and claims 14-22, which depend from claim 12, are believed allowable.

Independent claim 33 calls for opening an event channel at a node that provides a shared communication path on a communication link and to subscribing to receive events at the node over the event channel. Cohen again fails to teach these features as it describes (as discussed with reference to claim 1) running an EMS on a single node and then distributing events to specific nodes after filtering on the EMS node. The method of claim 33 is very different in that it supports fully asynchronous communication over the event channel without requiring an event publisher to provide addresses of receiving nodes as opposed to the API 32 and service 22 of Cohen as described with reference to lines 43-46, col. 5.

The method of claim 33 includes running an application on the node, receiving and processing an event at the node over the event channel, and then when a match is determined "at said node" passing the received event to the application on the node. Distribution out of the node is not required after filtering as is the case in the Cohen method. For these reasons, claims 33 and claims 34-40 and 43, which depend from claim 33, are believed allowable over Cohen, and Hinson fails to overcome these deficiencies.

Independent claim 62 was rejected in the Office Action for the same reasons as provided for rejecting claim 1 (and its dependent claim 15), and the reasons provided for allowing claim 1 over Cohen and Hinson are applicable to claim 62. Further, Cohen and Hinson fail to teach or suggest granting access to an event channel on a communication link and associating such access or permission to an application running on a node network. The Office Action cites Cohen at line 59, col. 12, line 12, col. 14, and lines 34-35, col. 5 for showing these elements not presented in claim 1. Applicant can find no teaching of this limitation and

particularly, of associating such access to an application running on a node network in Cohen. Further, Cohen fails to show creating a name context for the event channel as called for in claim 62, with the cited portion of Cohen at col. 11, line 28 simply referring to "the EMS event channel" but providing no teaching of providing a name context for a created event channel that, as will be appreciated, can later be used for providing events to subscribers of a particularly named event channel. Hence, Cohen and Hinson do not support a rejection of claim 62 or claims 63-65 and 67-69, which depend from claim 62, and these claims are believed in condition for allowance. The Office Action provided no response to these arguments regarding claim 62.

Regarding independent claim 74, the Office Action again states that claim 74 is the same method as claims 1, 13, 14, and 62 and rejects it for the same reasons as these claims. However, claim 74 includes differing limitations not included in claims 1, 14, and 62. Specifically, claim 74 calls for "marking a remote event control block object in an event control block according to said filter control message," and none of the claims mentioned by the Examiner include this limitation. For example, claim 1 does not discuss a filter control message, an event control block, or a remote event control block object (or marking such an object). Claim 14 states "wherein said event server further includes an event control manager to control said event control block" and this language does not include the limitations of claim 74. Claim 62 discusses an event control block and sending a filter control message but does not include "marking a remote event control block object in an event control block according to said filter control message." A proper obviousness rejection of claim 74 requires a separate rejection indicating where each of its elements are shown or suggested in Cohen and/or Hinson. This has not been provided in any of the Office Actions to date. Hence, the Examiner has failed to make a proper case of obviousness because the Examiner has not provided explicit citations to Cohen or

Hinson where each and every limitation in the claim is shown or made obvious. As a result, claim 74 and claims 75, 78, and 79, which depend from claim 74, are believed in condition for allowance.

Independent claim 80 was rejected in the Office Action for the reasons provided for rejecting claim 1, and hence, the reasons provided for allowing claim 1 over Cohen and Hinson are believed applicable to claim 80. Specifically, Cohen fails to teach using a client application for opening an event channel on the same node as is running the application and receiving and filtering events on the channel with a filter on the application's node. Further, Cohen fails to teach opening such an event channel in read or write modes as called for in claim 80, which is not required in claim 1. Hence, the rejection of claim 1 does not state a prima facie case of obviousness for rejecting claim 80 as the limitations differ. The portions of Cohen cited by the Examiner (i.e., col. 9, lines 41-62) do not mention opening an event channel in a read mode or in a write mode or that such opening can be done by a client application on a node of a network. Based on these arguments, claim 80 and claims 85 and 86, which depend from claim 80 are not shown or suggested by Cohen, and the rejection of these claims should be withdrawn. The Office Action does not address these arguments for allowing claim 80.

Further, in the Office Action, claims 76-77 were rejected under 35 U.S.C. §103(a) as being unpatentable over Cohen in view of Hinson and further in view of previously-cited U.S. Pat. No. 6,314,533 ("Novik"). Claims 76 and 77 depend from claim 74 and are believed allowable as depending from an allowable base claim. Further, Hinson fails to overcome the deficiencies of Cohen and Hinson discussed above with reference to claim 74.

CONCLUSION

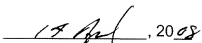
Applicant believes that a full and complete response has been made to the pending Office Action and respectfully submits that all of the stated objections and

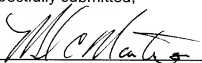
grounds for rejection have been overcome or rendered moot. Accordingly, Applicant respectfully submits that all pending claims are allowable and that the application is in condition for allowance.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact the Applicant's undersigned representative at the number below to expedite prosecution. Prompt and favorable consideration of this Reply is respectfully requested.

No fee is believed due for this submittal. However, any fee deficiency associated with this submittal may be charged to Deposit Account No. 50-1123.

Respectfully submitted,

 18 April, 2008


Michael C. Martensen, No. 46,901
Hogan & Hartson LLP
One Tabor Center
1200 17th Street, Suite 1500
Denver, Colorado 80202
(719) 448-5910 Tel
(303) 899-7333 Fax